

**REISSUE PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Broadening Reissue Application of

Tetsuya OUCHI

Serial No.: Reissue Application of U.S. Patent No. 5,675,421 issued October 7, 1997  
(U.S. Patent Application Serial No. 08/653,312 filed May 24, 1996)

Filed: New Reissue Application

For: FACSIMILE MACHINE WITH A MAILBOX FUNCTION

Docket No.: JAO 38350RE

**REISSUE DECLARATION**

I, Tetsuya OUCHI, hereby declare that:

1. I am a citizen of Japan with the address as stated below next to my name.
2. I have reviewed and understand the contents of the specification and claims of the above-captioned reissue application and this Reissue Declaration.
3. I believe that I am the original and sole inventor of the invention described and claimed in U.S. Letters Patent No. 5,675,421, which issued from U.S. Patent Application No. 08/653,312 filed on May 24, 1996.
4. I claim the priority benefits of Japanese Patent Application No. 7-136595, filed on June 2, 1995.
5. I acknowledge my duty to disclose information which is material to the examination of this Reissue Application in accordance with 37 C.F.R. §1.56(a).
6. I consider U.S. Patent No. 5,675,421 to be partly inoperative by reason of claiming less than I had a right to claim because the original claims were unduly limited and may not provide an adequate scope of protection.

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7. Claims 1 and 11 relate to a facsimile machine provided with a remote operation mode enabling a caller from a remote device to access and receive data from the facsimile machine. The facsimile machine comprises: a memory, switching means, facsimile reception determination means and reception process means. However, claims 1 and 11 do not provide an adequate scope of protection for a communication device comprising a reception determination means for determining whether the communication device is in one of a reception possible condition and a reception impossible condition; and reception process means for performing reception of an incoming call when the reception determination means determines that the communication device is in the reception possible condition, and for performing reception of the incoming call, regardless of whether the communication device is in the reception impossible condition, when the communication device is in a specific mode (claim 14). Claims 14-22 have support at least in the original specification, claims and figures, in particular, claims 1 and 11, column 3, lines 52-67, column 6, lines 9-21 and 60-67 and flow chart Figures 3-6.

8. All errors being corrected in this Reissue Application up to the time of filing this Declaration arose without any deceptive intention on my part.

9. I hereby appoint the following as my attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office:

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;

Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;

Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771;

Mario A. Costantino, Reg. No. 33,565; and Caroline D. Dennison, Reg. No. 34,494.

New Broadening Reissue Application

All correspondence in connection with this application should be sent to Oliff & Berridge, PLC, P.O. Box 19928, Alexandria, Virginia 22320, telephone (703) 836-6400.

10. I have reviewed and understand the contents of this Reissue Declaration, and all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.

Date: Oct. 7, 1999

Tetsuya Ouchi  
Tetsuya OUCHI  
No. 2-299, Nishisaka-cho, Tajimi-shi,  
Gifu-ken, JAPAN

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10/07/99

**CONSENT OF ASSIGNEE TO REISSUE (37 C.F.R. §1.172(a))**  
**AND OFFER TO SURRENDER LETTERS PATENT (37 C.F.R. §1.178)**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Assignee, Brother Kogyo Kabushiki Kaisha (by Assignment recorded in the U.S. Patent and Trademark Office on May 24, 1996 at Reel 8012, Frame 0851), of U.S. Patent No. 5,675,421 (issued October 7, 1997) hereby consents to this reissue application.

In accordance with 37 C.F.R. §1.178, Brother Kogyo Kabushiki Kaisha hereby offers to surrender U.S. Letters Patent 5,675,421 upon allowance of this reissue application.

The undersigned hereby confirms that he has authority to sign this Consent on behalf of the Assignee.

Date: Oct. 6, 1999Signature: 

Isao KATO

Title: Senior Managing Director

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